

REMARKS

Double Patenting

The examiner provisionally rejected claims 1-20 under 35 U.S.C. 101 as claiming the same invention as claims in Applicant's co-pending applications. The examiner stated:

Claims 1-20 of this application conflict with claims 1-23 of Application No. 10/735,595, claims 1-26 of Application No. 10734,618, claims 1-21 of Application No. 10/734,616, and claims 1-20 of Application No. 10/734,617. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822 ...

Applicant contends that this rejection is improper, since under 35 U.S.C. 101 two applications must claim the same invention. No combination of any of the claims in any of the patents can be construed as claiming the same invention. However, with this rejection in mind Applicant will endeavor to maintain a clear line of demarcation among the different applications.

35 U.S.C. § 103

The examiner rejected Claims 1-4, 7-10, and 13-17 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy). The examiner stated:

Regarding claims 1, 9, and 15 Abbasi discloses a virtual encounter system and method comprising, a mannequin having life-like features, the mannequin further comprising: a simulated human body part 55; a camera 35a-b coupled to the body for sending video signals to a communications network 30; and a microphone 40a-b coupled to the body for sending audio signals over the communications network; a display to render the video signals received from the camera and a transducer to transduce the audio signals received from the microphone (See Col. 2, lines 54-67). Abbasi discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of providing a video display in the form of goggles. However, it is the examiner's position that providing a head mounted display is old and well known in a virtual reality environment. In addition, Choy teaches a virtual reality system comprising a headset for outputting video and sound data (See Choy, Fig. 1). In view of Choy, it would have been obvious to one of ordinary skill in the art to modify the display described in Abbasi, by providing a head mounted display/goggles in order to enhance the reality of a virtual environment. (emphasis added)

Applicant's claim 1 is distinct over Abbasi taken separately or in combination with Choy. Claim 1 calls for "a virtual encounter system comprises a mannequin...and a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network."

The examiner readily admits that Abbasi fails to disclose the feature of providing a video display in the form of goggles, but relies on Choy at Col. 3, lines 1-6 to teach this feature.

Applicant disagrees. Applicant wishes to emphasize that Abbasi does not describe or suggest "a set of goggles including a display to render electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative of audio received from the communications network." Abbasi fails to disclose the feather of providing both video and audio signals in the form of goggles.

The portion pointed by the examiner in Choy (reproduced below) does not cure the foregoing deficiencies:

Embodiments of the present invention are also able to be used where instead of the mannequin or doll a sexual partner is used and each of the users can have their own headsets and for example, can be provided with images of selected movie stars or the image of any person with whom the user wishes to fantasise. (Col. 3, lines 1-6)

As far as the video and audio signals are concerned, Choy further elaborates on how to generate and display both on the headset at col. 8, lines 53-63, which is reproduced below:

To provide a database of images photographic or video recording is made of a variety of scenes (sex or otherwise) each with a blue background so that this can be superimposed on selected backgrounds such as landscape. Frame by Frame processing is then conducted to create library of sex positions.

To provide suitable audio output a recording is made of phrases and words which are stored in 10-bit quality on a database and the reproduction of such phrases and words will be linked to corresponding movement of the characters mouth muscles.

As such, Choy explicitly teaches building a database of images and audio signals for rendering on the headset, rather than rendering electrical signals representative of video received from the communications network and a transducer to transduce electrical signals representative

of audio received from the communications network. Applicant's claim 1 is distinct over any purported combination of Abbasi and Choy.

Accordingly, claims 9 and 15 are allowable at least for the reasons discussed in claim 1.

Claim 2

Applicant's claim 2 limits claim 1 and requires that "the mannequin, the microphone, the transducer and the set of goggles as first ones, with the system further including a second mannequin in a second, different location ... a second microphone ... a second camera ... and a second set of goggles." As expressed in claim 2, the first set of goggles receive video and audio signals from the camera and microphone on the second mannequin and the second set of goggles receive video and audio signals from the camera and microphone on the first mannequin. No combination of the references suggests these features.

The examiner argues

Regarding claims 2 and 16, Abbasi discloses a system wherein the mannequin is at a first location with the camera being a first camera and the microphone being a first microphone and the display being the first display, the system further comprising: a second mannequin in the second different location, the second mannequin having a second microphone and a second camera; and a second display to receive the video signals from the first camera and a second earphone to receive the audio signals from the first microphone (See Col. 4, lines 37-47; Fig. 1).

As discussed above, Abbasi, or in combination with Choy, does not disclose the features of the camera and microphones and goggles with display and transducer providing signals and rendering signals in the manner claimed.

Claims 3-4, 7-10 and 13-20 are allowable either because they depend directly or indirectly from claim 1 or contain analogous features as in claim 1.

The examiner rejected Claims 5-6, 11-12 and 18-20 under 35 U.S.C. 103(a), as being unpatentable over Abbasi (USPN 6,786,863) in view of Choy et al. (USPN 6,695,770; hereinafter Choy), further in view of Gutierrez (USPN 5,111,290).

Claim 5 requires that the body includes an eye socket and the camera is positioned in the eye socket and claim 6 requires that the body includes an ear canal and the microphone is positioned within the ear canal. The examiner argues that:

The combination of Abbasi and Choy discloses all of the claimed subject matter with the exception of explicitly disclosing the feature of (as per claims 5, 11, 18, 20) positioning the camera in the eye socket of the body; (as per claims 6, 12, 19, and 20) positioning the microphone in an ear canal of the simulated body. However, Gutierrez teaches a virtual mannequin comprising a video camera concealed in the eye socket of the mannequin (Col. 1, lines 57-65). In view of Gutierrez, it would have been obvious to one of ordinary skill in the art to modify the placement of the mannequin camera and microphone described in the combination of Abbasi and Choy, by concealing them within the mannequin and thereby avoiding the unattractive appearance of the camera and microphone.

The examiner acknowledges that combination of Abbasi and Choy does not "explicitly" disclose these features and relies on Gutierrez. Gutierrez teaches a surveillance system having a miniature television camera and a RF video transmitter mounted in a mannequin.

Applicant contends that the base references Abbasi and Choy, alone or in combination, do not teach the features of rendering video and audio signals over the communications network in the form of a set of goggles(as presented above). Claims 5-6, 11-12 and 18-20 depend directly or indirectly from their respective base claims 1, 9 and 15. Gutierrez is not understood to remedy the foregoing deficiencies of Abbasi and Choy, because Gutierrez neither describes nor suggests the claimed invention.

Applicant's claims 5-6, 11-12 and 18-20 are allowable over the references.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Any circumstance in which the Applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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In view of the foregoing, Applicant respectfully requests entry of the amendment since it addresses specific objections first raised by the examiner in the instant office action, does not require any further consideration or search. Accordingly, Applicant submits that the application is in condition for allowance and such action is respectfully requested at the examiner's earliest convenience.

Please apply any other charges or credits to deposit account 06 1050.

Respectfully submitted,

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